

I've raised the issue, I'll hope that we can do some work on this and see if either my fears are unfounded and tell me so if they are, or if there is a better way to say the same thing for which by the way, I think there might be.

SPEAKER WITHEM: Thank you, Senator Landis. We now have entering the legislative Chambers in the north balcony, guests of Senator Bohke. We have 30 fourth graders from Watson Elementary School and their teacher. Would you please welcome these people to the Legislature. Senator Kristensen, followed by Senator Witek.

SENATOR KRISTENSEN: Thank you, Mr. Speaker and members of the Legislature, I'm going to rise because I was not going to speak on this issue as Senator Pirsch knows that I don't believe that this is proper to place in the constitution, being one who does not like to put in a lot of verbiage and what I believe to be proper power of the Legislature into the constitution, but that is a philosophic discussion she and I have had and we have agreed to disagree and that's fine. Where I do rise and what prompted my attention this morning, Senator Pirsch, was your discussion about we don't need more litigation, that all this is going to do is cause more litigation and that we don't have the courts do those things and I want to stand up and tell you that I disagree strongly. What causes more litigation is laws that place more people into the system, it's not the rules that we have. And so if you're concerned about more litigation and more cost, let's look on who you put into the system rather than what the system does when you do it, and we do a lot of things where we let the courts decide. For example, in our United States Constitution it says you have the freedom from unreasonable search and seizure, okay, a rather short term. Do we have any statutes that say what that is? No, there are no statutes that flush that out. What flushes that out is a case by case determination. The law is built in the courts and the courts are absolutely necessary to determine what that phrase means. Why? Is it because it depends on each individual case and so for you to stand up and bash the courts is not good and that's what you're doing is bashing the courts because they do have a place here and to throw out the red herring that you're increasing litigation, I just want to correct you because you're wrong and you can stand up all day long and tell me I'm not wrong, but I'm telling you that the courts have a very important place in determining what general grants of power are in constitutions and you don't want to fill the book and say, okay,